

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

DIANA C. KUNKLE,

Plaintiff,

v.

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security**

Defendant.

No. 6:14-cv-01605-JE

OPINION AND ORDER

MOSMAN, J.,

On December 13, 2016, Magistrate Judge John Jelderks issued his Findings and Recommendation (“F&R”) [24], recommending that the Commissioner’s decision be REVERSED and this case be REMANDED for an immediate award of benefits. No objections to the F&R were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a *de novo* determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

is not required to review, *de novo* or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Jelderks's recommendation and ADOPT the F&R [24] as my own opinion.

IT IS SO ORDERED.

DATED this 9th day of February, 2017.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
Chief United States District Judge